

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 16, 2001

CA-3
11/29/2001

TO: PARTIES OF RECORD IN APPLICATION 01-05-037

This is the draft decision of Examiner Horner. It will be on the Commission's agenda at the next regular meeting 30 days after the above date. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the Examiner and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/LYNN T. CAREW (BY ANG)

Lynn T. Carew, Chief
Administrative Law Judge

LTC:t93

Attachments

Decision **DRAFT DECISION OF EXAMINER HORNER** (Mailed 10/16/2001)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Bhupinder K. Saini, dba East Bay Express Airporter to extend the authority to operate as a passenger stage operation from Santa Clara, Alameda, and Contra Costa counties, San Mateo County, San Francisco County to San Joaquin County.

Application 01-05-037
(Filed May 15, 2001)

O P I N I O N

Summary

This decision dismisses the application of Bhupinder K. Saini (Applicant) for failure to pursue his application for authority to operate as a Passenger Stage carrier.

Discussion

This application was filed on May 15, 2001. Notice of filing of the application appeared in the Commission's Daily Calendar on May 21, 2001.

On May 25, 2001, the Commission's Rail Safety and Carriers Division (staff), sent a letter to the Applicant, requesting him to (1) clarify the service points, (2) complete the Scoping Memo, (3) serve a copy or notice of his application to each city and county, including the airports and (4) submit a Certificate of Service identifying each served party and mailing address.

A second letter was sent on July 27, 2001, requesting the above information. The Applicant was placed on notice that the staff would

recommend dismissal of the application if the staff did not receive his response by August 15, 2001. The Applicant has not responded to the staff's letters.

In Resolution ALJ 176-3064 dated May 24, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3064.

Comments on Draft Decision

The draft decision of the Examiner in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Findings of Fact

1. Applicant has failed to respond to staff's letters requesting information.
2. The application is incomplete.

Conclusion of Law

This application should be dismissed due to Applicant's failure to pursue it.

O R D E R**IT IS ORDERED** that:

1. Application 01-05-037 filed by Bhupinder K. Saini, dba East Bay Express Airporter, is dismissed effective today.

2. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.